

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roderick Jerome English,)	C/A No.: 1:12-511-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Department of Corrections)	
Mental Health; and William R. Byars, Jr.,)	
Director of the South Carolina Department of)	
Corrections,)	
)	
Defendants.)	
)	

The *pro se* plaintiff brings this civil action *in forma pauperis* pursuant to 42 U.S.C. § 1983, contending that his mental illness is not being treated by the South Carolina Department of Corrections (SCDC) where he is incarcerated.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint should be dismissed without prejudice because the plaintiff has failed to exhaust available prison administrative remedies prior to filing this lawsuit as is required under the Prison Litigation Reform Act, 42 U.S.C. Section 1997e(a). While the plaintiff did file a grievance, he did not wait to receive a response to the grievance before he filed this lawsuit. The Report sets forth in detail the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

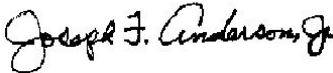
On June 28, 2012, the plaintiff was mailed a copy of the Report and Recommendation, which was filed on that same day, and advised of his right to file objections to the Report. The plaintiff did not file objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

July 26, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge